REMARKS

The present remarks and amendments are responsive to the Office Action mailed April 7, 2005. Applicant wishes to thank the Examiner for the phone interview of July 20, 2005 during which the Examiner's reliance on the prior art references and the proposed amendments and remarks herein were discussed. Reconsideration and allowance of this application is now respectfully requested in light of the amendments and remarks contained herein.

A. Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1-17, 23-32 & 35-38 as indefinite on various grounds. Applicant submits that the claims as amended to more clearly state the invention satisfy the requirements of 35 U.S.C. § 112. Applicant respectfully wishes to remind the examiner that breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971); M.P.E.P. § 2173.04. The claims merely need to be definite in light of:

> (A) The content of the particular application disclosure;
> (B) The teachings of the prior art; and
> (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

M.P.E.P. 2173.02. Taking these into consideration, Applicant submits that the claims are definite. Therefore, Applicant requests that the Examiner withdraw the rejection.

B. Rejections under 35 U.S.C. § 102 and 103

(1) Independent Claim 1 and dependent claims 2-17

(a) Rejections of claim 1 under 35 U.S.C. § 102

The Examiner has maintained the rejection under 35 U.S.C. §102(b) arguing that claim 1 is anticipated by the article "Keeping Parents in the Loop on a Kid-Centered Site" by the FreeZone Network (*FreeZone*).[1] The Examiner has also added a new anticipation rejection of claim 1 based on U.S. Patent no. 6,311,211 to Shaw ("*Shaw*"). It is submitted that claim 1 as amended is patentably distinguishable over the *FreeZone* and *Shaw* disclosures because the cited references do not disclose or teach all of the elements of the claim. The Examiner is respectfully reminded that in order for a claim to be anticipated, all of the features of the claim must be disclosed in as much detail as the claims.

As previously discussed, *FreeZone* conditions access to a website based on a child user completing an on-line form that prompts the child to type in age and parent information. *Shaw* on the other hand, discloses an advocacy system that permits a user to sign up to receive email communications from the advocacy system so that users can easily generate advocacy email messages in the user's own name which are originated from the

[1] The Examiner has withdrawn the prior rejection of claim 1 under 35 U.S.C. § 102 based on the "List Owner's Manual for LISTSERV," version 1.8d by L-Soft International, Inc. (*LSOFT*)

advocacy system. Neither *FreeZone* nor *Shaw* disclose Applicant's invention as currently and previously claimed.

With regard to *FreeZone*, the Examiner does not identify any particular language that discloses the "pre-storing" feature as previously described. It appears that the Examiner has suggested that pre-storing might simply refer to a user's mental recall (Office Action at 2). However, in light of the specification, such an interpretation of the language of the claim is an unreasonable one. While a broad interpretation of claim language during prosecution is proper, the interpretation still must be reasonable in light of the specification. M.P.E.P. § 2111. Claim 1 precludes such an interpretation.

With respect to *Shaw*, Applicant first notes that the authentication scheme of that system is not expressly disclosed in that reference but rather referred to in another document. *Shaw*, col. 8, lines 21-27. Thus, much of the language of *Shaw* relied upon by the Examiner does not relate to its method of authentication, but rather to the general operation of the advocacy the system. Thus, Applicant submits that the Examiner's specific reliance on the language of that reference is in doubt. For example, the Examiner only relies on FIG. 15 for the element of "sending a permission request to said address, said permission request including a request for permission to provide information to **said user**..." The "user" is defined in the element of "receiving a request for information

from a user of a processing device..." However, FIG. 15 only discloses an email sent to a user that requests permission to send a political email to a political representative. It does not suggest that the information will be sent to the user originally requesting the information. Thus, it does not disclose the claimed system for authenticating the user.

Claim 1 clearly recites a method of authenticating the user as follows:

> A method of authenticating a user comprising:
>
> receiving a request for information from a user of a processing device,
>
> receiving with at least one processor, personal information associated with said user, said personal information including an address and age information, the personal information having been pre-stored by the processing device of the user;
>
> sending a permission request to said address, said permission request including a request for permission to provide information to said user,
>
> receiving permission in response to said permission request, and
>
> sending information to said user of the processing device in response to said request for information.

Neither *FreeZone* nor *Shaw* disclose such a method of authentication. Thus, the invention of claim 1, as well as its dependent claim, are both novel and non-obvious over the disclosures of these references.

(b) Rejections of claim 1 under 35 U.S.C. § 103

The Examiner also rejected claim 1 under 35 U.S.C. § 103 over "List Owner's Manual for LISTSERV," version 1.8d by L-Soft

International, Inc. (*LSOFT*) in view of the Australian Broadcast Association internet article entitled "Online Services Content Regulation" ("*ABA*"). The Examiner concedes that LSOFT lacks age information. As previously discussed in Applicant's prior amendment and response, *LSOFT* does not disclose a system pre-storing the age information. Apparently recognizing this shortcoming, the Examiner relies on ABA. Examiner advises that "ABA teaches that to restrict content, a user supplies a PIN and date of birth (P.3) (which are pre-stored in the verification system)."

However, Applicant respectfully submits that the reference does not disclose pre-storing such age information as claimed. To the contrary, the reference actually teaches away from Applicant's invention. Significantly, ABA teaches "a registered user must, on each occasion, input allocated PIN or password together with date of birth to gain access to any website subject to the system ... The system must not allow for automated input of login information, for example, by saving on a cookie file stored on the user's PC the allocated PIN or password and date of birth." *ABA* at 5.

Accordingly, as the combination teaches away from Applicant's invention, Applicant requests that the obviousness rejection of claim 1 be withdrawn.

(c) Rejections of Dependent Claims 1-17

While Applicant disagrees with certain conclusions of the Examiner regarding the rejections of the dependent claims 2-17, Applicant submits that the allowance of claim 1 requires allowance of its dependent claims. These dependent claims incorporate the novel and non-obvious invention of claim 1, in addition to the novel and non-obvious features contained in them. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-17.

(2) Independent claim 21 and dependent claim 22

Claim 21 stands rejected under 35 U.S.C. § 103 over *FreeZone* as applied to previous claim 1 and in view of "The Sticky kids' privacy issue" by Network Family News ("NFN"). In light of the *FreeZone* reference previously discussed, Applicant submits that claim 21 may be compared to claim 1. Claim 21 is not obvious in view of the cited references.

Claim 21 defines the invention of:

> A method of authenticating a user over a client/server network wherein said server has content restricted to users older than a particular age, said method comprising the steps of said server:
> receiving a request for access to said content from the user of a client of the network,
> receiving pre-stored personal information regarding said user, said pre-stored personal information including age data representative of said user's age and an e-mail address on said network, the pre-stored personal information being previously stored with the client of the network,

> if said age data indicates that said user is older than said particular age, then sending an e-mail to said address indicating said request was received,
>
> sending said content to said user if a permission response is received in response to said e-mail.

As previously discussed with regard to Freezone, that reference does not disclose authentication using the claimed pre-stored personal information. Moreover, the NFN does not supply the missing disclosure. In this regard, NFN does not disclose the Applicant's method of authentication using the claimed pre-stored personal information.

Accordingly, Applicant submits that claim 22 and 23 are in condition for allowance.

(3) Independent claim 35 and dependent claims 36-38

Independent claim 35 stands rejected under 35 U.S.C. § 102 as being anticipated by either *Freezone* or *Shaw*. In view of the incomplete disclosure of *FreeZone* and *Shaw* with regard to claim 1, Applicant submits that claim 35 is in condition for allowance. In this regard, the limitations of the inventions of independent claim 35 may be compared with claim 1. Claim 35 defines Applicant's invention as:

> A system of authenticating a user comprising:
>
> a processor,
>
> a set of instructions executable by said processor, said instructions including: receiving a request for information from a user of a remote processing device, the remote processing device having pre-stored user information associated with said user, said pre-stored user information including an address and age data; receiving the pre-stored user information associated with said user; sending a permission request to said address, said permission request including a request for

> permission to provide information to said user; receiving permission in response to said permission request; and sending information to said user of the remote processing device in response to said request for information.

Applicant submits that this claim is not anticipated by *FreeZone* and *Shaw* since the references do not teach all of the limitations as recited above. Similarly, dependent claims 36-38 are allowable because they contain features not disclosed or taught by the relied on prior art. Accordingly, Applicant submits that these claims are in condition for allowance.

(4) Independent Claim 18 and dependent claims 19-20

The Examiner has maintained the rejection of claim 18 based on the combined disclosures of (1) U.S. Patent no. 5,706,427 to *Tabuki*, (2) "SafeSurf Internet Rating System Receive Broad Support From OnLine Community" by Soular et al. (*Soular*) and (3) U.S. Patent no. 5,488409 to Yuen et al. (*Yuen*). In this regard, the Examiner previously and currently relies on col. 2, lines 1-2 of *Tabuki* for the notion of storing data on the client for purposes of authentication, while simultaneously conceding that such data is not disclosed as age data. Office Action at 11. But col. 2, lines 1-3 of *Tabuki* does not disclose any storage of data but simply states: "As described above, aside from passwords, biometric authentication data such as signature data are used in networks as authentication data." *Tabuki*, col. 2, lines 1-2.

In the current Office Action with respect to the rejection of a different claim, the Examiner has referenced col. 3, lines 1-2 of *Tabuki* for a notion of storing. However, that refers to authentication information being stored on a "verification server", not a client. Applicant acknowledges that in any password access scheme the service being accessed would need to have its own stored authentication information so that when a user enters authentication information for access to the system, the user entered authentication information can be checked against the stored authentication information of the service. However, that is not Applicant's scheme of storing of age data on a client that is then provided by the client to access a service as defined in the invention.

For these reasons, Applicant submits that the Examiner has not made a *prima facia* case of obviousness with respect to claim 18 since the Examiner has not cited any language in *Tabuki*, *Souler* and *Yuen* that discloses the claimed invention.

Claim 18 defines:

> A method of authenticating the age of a user over a client/server network wherein said server has content restricted to users older than a particular age, said method comprising the steps of said client:
>
> storing age data representative of said user's age on a client of said network,
>
> after said step of said storing, sending a request to said server for access to said content,
>
> receiving a request for said age data in response to the request for access to said content,

providing the age data in response to said request for said age data,

gaining access or being denied access to said content dependant upon whether said age data indicates that said user is older than said particular age.

The invention is not disclosed in the asserted combination of references.

Moreover, the Office Action maintains the position that "age data" is disclosed in *Soular* and *Yuen*. To support this position the Examiner appears to understate the "age data" claim language based on the subsequent language that identifies that the "age data" is "representative of said user's age." Office Action at 2-3.

Applicant respectfully disagrees with the Examiner's position. The Examiner's argument concerning the claim language effectively eliminates the term "age" from the phrase "age data" in the claim. Applicant respectfully suggests that this is improper. That the "age data" also is defined to represent the particular "user's age" does not permit the prior language to be disregarded.

As previously noted, with regard to *Soular*, this reference identifies a system permitting a parent to "designate viewing levels according to the age of their children and their own personal standards." From this disclosure, the Examiner attempts to extract storing of "age data". However, "age data" is not mentioned in the reference nor is it inherent from the

disclosure. To the contrary, the only thing being designated by the parent is "a viewing level". These viewing levels may be different degrees of violence, sex, or profanity, (such as high, medium, low or none) from which a parent may choose based on his/her understanding of the age of his/her child and his/her personal standards. Thus, the Examiner's reliance on this reference for teaching a disclosure of storing user "age data" for controlling access to content is misplaced.

Secondly, the storing of user's "age data" is not disclosed in *Yuen*. *Yuen* teaches a password protected video cassette recorder (VCR). Use of the passwords controls different access to different shows displayable with the VCR. Thus, one password may be used for accessing one type of show and another password may be used to access other types of shows. It does not disclose the storing of a user's "age data" for accessing these shows by the user.

Thus, at best, what is taught by these combined references is to use parental discretion in setting viewing filters or in giving a child a password that will limit the child's access to content associated with the password. But that still presents the problem of getting the passwords to the child in a manner that is age appropriate or otherwise determining what filtering levels are age appropriate. Simply put, the cited art does not show or teach the Applicant's approach to the very problem that the invention solves. To the contrary, these <u>different</u>

approaches relied upon by the Examiner teach away from Applicant's age data approach.

Thus, Applicant submits that claim 18 is both novel and non-obvious. Moreover, while Applicant disagrees with certain conclusions of the Examiner regarding the rejections of dependent claims 19 and 20, Applicant submits that the allowance of claim 18 requires allowance of its dependent claims. These dependent claims incorporate the novel and non-obvious invention of claim 18, in addition to the novel and non-obvious features contained in them. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 18-20.

(5) Independent claim 23 and dependent claims 24-32

Finally, claims 23-32 stand rejected over *Tabuki* in view of the "FreeZone Privacy Statement" (*FreeZone '00*). Reconsideration of claim 23 is requested. Applicant submits that neither reference discloses Applicant's "pre-storing" scheme as claimed by Applicant.

In regard to such "pre-storing", the Examiner relied on col. 2, lines 1-3, and now appears to be relying on col. 3, lines 1-2. The latter reference describes the use of a verification server that assists an application server with authentication by users of the application server. As previously discussed, the storing of password information by a service against which the user's entered authentication information is checked when attempting to gain access to the

service is not the Applicant's claimed method of pre-storing of personal information. In short, the verification server scheme of *Tabuki* does not meet all of the limitations of the method of claim 23.

Claim 23 defines:

> A method of authenticating a user comprising:
>
> pre-storing in a processing device, personal information regarding said user, said personal information including an e-mail address and a value associated with a personal characteristic,
>
> sending from the processing device a request for access to content restricted to users based on a cut-off associated with said personal characteristic,
>
> sending from the processing device said personal information to the provider of said content,
>
> receiving at said e-mail address a request to permit access to said content, said step of receiving being dependant upon a comparison of the value stored in said personal information and said cut-off, and
>
> sending the requested content to the processing device dependant upon whether another user replies to said request to permit access.

This claimed method is both novel and non-obvious over the disclosures of *Tabuki* and *FreeZone*.

Moreover, while Applicant disagrees with certain conclusions of the Examiner regarding the rejections of the dependent claims 24-32, Applicant submits that the allowance of claim 23 requires allowance of its dependent claims. These dependent claims incorporate the novel and non-obvious invention

of claim 23, in addition to the novel and non-obvious features contained in them.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 23-32.

Conclusion

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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